

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, July 19, 2011, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice-Mayor Tom C. Parham

Alderman Benjamin K. Mallicote

Alderman Mike McIntire

Alderman Tom Segelhorst

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Andrew Greer, Robinson Middle School and Molly Hopkins, Washington Elementary School.
- II.B. **INVOCATION:** By Kerry Doyal, Pastor – Grace Bible Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
  1. Mayor Phillips presented three books to Molly Hopkins.
  2. Keep Kingsport Beautiful Beautifications Awards – Robin Cleary and Alderman Segelhorst presented these awards to local citizens and business owners.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Joh, to approve minutes for the following meetings:

A. July 5, 2011 Regular Work Session

B. July 5, 2011 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of an Ordinance to Amend the Zoning Code and Text Governing the Professional Office District (P-1)** (AF: 173-2011). City Planner Karen Combs presented this item, noting this amendment

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moves medical, dental and pain clinics as defined by our code from the permitted use by right to the special exceptions section, which would require approval from the Board of Zoning Appeals. The Planning Commission unanimously voted in June to send a favorable recommendation to the Board of Mayor and Aldermen.

**PUBLIC COMMENT ON ITEM VI.AA.1. None.**

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-200; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Public Hearing for Annexation Annual and Semi-Annual Plan of Services Report (AF: 175-2011).** City Planner Forrest Koder provided an update on this item.

**NOTE:** At this time Mayor Phillips recognized the members of Boy Scout Troop #51 along with their leaders as they were in attendance to work on a merit badge.

**PUBLIC COMMENT ON ITEM VI.AA.2. None.**

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance Amending Section 46-5 of the Code of Ordinances Pertaining to the Regulation of Fireworks (AF: 186-2011).** Alderman Joh moved to amend this ordinance by lettering subsection (e) as subsection (f) and inserting a new subsection (e) to allow for the fireworks to be sold as wholesale. The motion was seconded by Vice Mayor Parham with all present voting "aye." Mayor Philips summarized this action stating this would *ban the sale and use of fireworks* in the City, but would allow for permits to be issued for events such as Funfest and July 4<sup>th</sup> as long as there was regulated supervision. Alderman Mallicote moved to amend subsection (b) by removing the phrase "possession, handling and storage" of fireworks. This motion was seconded by Alderman Joh with all present voting "aye."

Motion/Second: Segelhorst/McIntire, to pass, as amended:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 46-5 RELATING TO FIREWORKS INCLUDING THE POSSESSION, MANUFACTURE, HANDLING, STORAGE, USE, DISCHARGE OR SALE OF THE SAME; TO PROVIDE FOR THE PERMIT PROCESS FOR CERTAIN SUPERVISED USE OR DISPLAY OF FIREWORKS; TO PROVIDE AUTHORITY FOR THE BOARD OF MAYOR AND ALDERMEN TO FURTHER RESTRICT THE STORAGE

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AND USE OF THE SAME; TO FIX A PENALTY AND OTHER LEGAL ENFORCEMENT FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of an Ordinance Establishing the FY12 Property Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County** (AF: 182-2011). City Manager Campbell provided details on this item, noting that although reappraisals were done this year in Hawkins County, they would not be done in Sullivan County for two more years. The state has therefore set the equalization rate.

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSFORT, SULLIVAN COUNTY AND THE CITY OF KINGSFORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.** None.

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Execute and Sign All Documents Necessary to Enter Into an Agreement with United States Department of Justice, Drug Enforcement Administration to Assign One (1) Police Department Office to the Upper East Tennessee HIDTA Task Force** (AF: 181-2011). City Manager Campbell noted this has proven very successful for several years now.

Motion/Second: McIntire/Segelhorst, to pass:

**Resolution No. 2012-007**, A RESOLUTION APPROVING AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION ASSIGNING ONE POLICE OFFICER TO THE UPPER EAST TENNESSEE HIGH INTENSITY DRUG TRAFFICKING AREA TASK FORCE AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL APPLICABLE DOCUMENTS TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**2. Consideration of a Resolution to Accept Deeds and Deeds of Easement for Various City Projects** (AF: 184-2011). City Manager Campbell explained this brings everything together from the past year.

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Motion/Second: Joh/Parham, to pass:

**Resolution No. 2012-008**, A RESOLUTION TO ACCEPT DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE FROM THE VARIOUS PROPERTY OWNERS AND OTHERS HAVING AN INTEREST IN PROPERTY AS HEREINAFTER SET OUT, CONVEYING TO THE CITY OF KINGSFORT, A MUNICIPAL CORPORATION OF THE STATE OF TENNESSEE, TITLE TO THE PROPERTY DESCRIBED IN SUCH DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE, LOCATED IN THE 7<sup>TH</sup>, 10<sup>TH</sup>, 11<sup>TH</sup>, 12<sup>TH</sup>, 13<sup>TH</sup>, 14<sup>TH</sup> AND 15<sup>TH</sup> CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE.

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute a License Agreement on Behalf of the Kingsport City Schools with Long Yi Yang for Part of a Parking Lot at 2404 Memorial Boulevard (AF: 183-2011).** City Manager Campbell pointed out that visitors to Robinson Middle School have been using this parking lot for years. This resolution makes it official. The only cost to the City is the liability insurance.

Motion/Second: Joh/Parham, to pass:

**Resolution No. 2012-009**, A RESOLUTION APPROVING A LICENSE AGREEMENT ON BEHALF OF THE KINGSFORT CITY SCHOOLS WITH LONG YI YANG AND REALTY INCOME CORPORATION FOR THE USE OF A PORTION OF A PARKING LOT LOCATED AT 2404 MEMORIAL BOULEVARD; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO MAKE CHANGES THAT DO NOT SUBSTANTIALLY ALTER THE MATERIAL PROVISIONS OF THE AGREEMENT

Passed: All present voting "aye."

**4. Consideration of a Resolution Naming the Press Box at Hunter Wright Stadium as the Don Spivey Press Box (AF: 185-2011).** City Manager Campbell stated that Don Spivey has been the voice of the Kingsport Mets for years as well as the Dobyns-Bennett football team. The Mayor asked for everyone to try and keep this a secret until the August 1<sup>st</sup> ballgame and encourage everyone to attend.

Motion/Second: Mallicote/Parham, to pass:

**Resolution No. 2012-010**, A RESOLUTION NAMING THE PRESS BOX AT HUNTER WRIGHT STADIUM AS THE DON SPIVEY PRESS BOX

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Receive a \$5,000 Grant from AARP Cities of Service Program (AF: 176-2011).** City Manager Campbell gave details on this item, noting the president of the Tennessee chapter of the AARP brought this opportunity to Kingsport. It will help in terms of economic development.

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Motion/Second: Parham/Joh, to pass:

**Resolution No. 2012-011**, A RESOLUTION ACCEPTING GRANT FUNDS FROM THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP) TO PARTICIPATE IN THE CITIES OF SERVICE PROGRAMS AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE SAME

Passed: All present voting "aye."

**6. Consideration of a Resolution Awarding the Bid for Exterior Signage Fabrication (Wayfinding Sign Program Phase II) to Facility Solutions Group (AF: 187-2011).** Assistant City Manager for Development Jeff Fleming explained the Wayfinding program, noting it was directed at visitors to identify key tourism locations and reinforce direction. He stated there has been a good response so far, with major routes being addressed in this phase where the first phase was focused on smaller streets. Mr. Fleming also pointed out the funds were coming from the hotel and motel tax paid by visitors.

Motion/Second: Joh/McIntire, to pass:

**Resolution No. 2012-012**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF SIGNS FOR PHASE TWO OF THE WAYFINDING SIGN PROGRAM TO FACILITY SOLUTIONS GROUP; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**7. Consideration of a Resolution Awarding the Bid for the Purchase of Road Salt to Claiborne Hauling Contractors, LLC for FY12 (AF: 188-2011).** City Manager Campbell explained that Kingsport entered into a bid with 10 other cities and received a 55 cents per ton savings over last year.

Motion/Second: Parham/Segelhorst, to pass:

**Resolution No. 2012-013**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF ROAD SALT TO CLAIBORNE HAULING CONTRACTORS, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Mayor to Execute a Purchase Agreement to Sell Property Located East of Clinchfield Street (AF: 191-2011).** Designated Alderman Joh provided details on this item, and explained the timeline of events regarding this property since the auction held in June was unsuccessful. On July 1<sup>st</sup> an offer was received for \$199,000 with a \$5,000 binder and many stipulations. A second offer was then received for \$220,000 with a \$22,001 binder and no stipulations. The first offer was countered noting the terms of the second offer, and a final offer was received today for \$230,000 with a \$23,000 binder and a 90 day due diligence clause. The condition was also added that a Burger King be built on this property within one year or the City could purchase the property back at the same price.

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Alderman Joh felt this offer was acceptable. City Attorney Billingsley suggested the Board move to amend the resolution to reflect the new price and list the new conditions as outlined in the email from the buyer's attorney. Alderman Mallicote made this motion and was seconded by Alderman Joh with all present voting "aye."

Motion/Second: Joh/Mallicote, to pass, as amended:

**Resolution No. 2012-014**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO SELL PROPERTY LOCATED EAST OF CLINCHFIELD STREET AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE PURCHASE AGREEMENT

Passed: All present voting "aye."

**9. Consideration of a Resolution Approving an Agreement for the City to Contribute Funds to KEDB for Economic Development Due to Incentive Payments KEDB Made to Press Group, LLC (AF: 190-2011).** City Manager Campbell gave an update on this item.

Motion/Second: Parham/Mallicote, to pass:

**Resolution No. 2012-015**, A RESOLUTION APPROVING AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE (KEDB) FOR A CONTRIBUTION BY THE CITY TO KEDB FOR ECONOMIC DEVELOPMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.**

**The following two items were considered under one motion.**

Motion/Second: Joh/McIntire, to approve:

**1. Consideration of Appointments and a Reappointment to the Kingsport Public Library Commission (AF: 192-2011).**

Approve:

APPOINTMENTS OF MRS. CLAUDIA LEONARD AND DR. PIERRE (PETE) LEMASTER ON THE **KINGSFORT PUBLIC LIBRARY COMMISSION**. MRS. LEONARD'S APPOINTMENT WILL BE EFFECTIVE IMMEDIATELY AND WILL EXPIRE ON JUNE 30, 2014. DR. LEMASTER IS FILLING ALDERMAN SEGELHORST'S UNEXPIRED TERM UNTIL MARCH 31, 2013. REAPPOINTMENT OF MR. CALVIN CLIFTON TO SERVE ANOTHER THREE-YEAR TERM EFFECTIVE IMMEDIATELY AND EXPIRING ON MARCH 31, 2014

Passed: All present voting "aye."

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**2. Consideration of a Reappointment to the Parks and Recreation  
Advisory Committee (AF: 189-2011).**

Approve:

REAPPOINTMENT OF MR. PETER LODAL TO SERVE A THREE-YEAR TERM ON  
THE **PARKS AND RECREATION ADVISORY COMMITTEE** EFFECTIVE  
IMMEDIATELY AND EXPIRING ON JUNE 30, 2014

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Mallicote/McIntire, to adopt:

**1. Consideration of an Ordinance to Appropriate Cultural Arts  
Funding Received from Donations (AF: 177-2011).**

Adopt:

**Ordinance No. 6099**, AN ORDINANCE TO AMEND THE GENERAL PROJECT-  
SPECIAL REVENUE FUND AND THE GENERAL PROJECT FUND BY  
APPROPRIATING FUNDS RECEIVED FROM DONATIONS FOR THE YEAR  
ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham,  
Segelhorst and Phillips voting "aye."

**2. Consideration of an Ordinance Re-Appointing Valerie John as  
the Designated Alderman for Disposal or Sale of Real Property (AF: 180-2011).**

Adopt:

**Ordinance No. 7000**, AN ORDINANCE APPOINTING A MEMBER OF THE BOARD  
OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT AS THE DESIGNATED  
ALDERMAN PURSUANT TO SECTION 2-462, KINGSPORT CITY CODE TO  
DISPOSE OF SURPLUS REAL PROPERTY SUBJECT TO FINAL APPROVAL OF  
THE BOARD OF MAYOR AND ALDERMEN

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham,  
Segelhorst and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

- A. CITY MANAGER.** Mr. Campbell commented on Funfest and thanked all the  
city employees for the extra efforts made, especially from the police  
department, the fire department and public works.



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**B. MAYOR AND BOARD MEMBERS.** Alderman Joh commented that anyone who has been away from Kingsport for a few years would be amazed at what has happened at the Quebecor property, noting she is delighted with the work. City Manager Campbell pointed out that a major developer of residential property was in town today and is also very interested in this area.

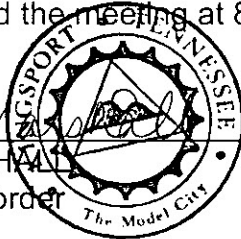
Alderman Segelhorst encouraged support for Funfest, noting the hot weather and encouraging everyone to use good sense and drink water. He thanked Funfest sponsors for the cups received by the Board that were made by Eastman.


Mayor Phillips commented on the value of city employees, but specifically recognized Budget Director Judy Smith for her efforts. The Mayor also thanked the Boy Scouts in attendance for their interest.

**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:00 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor